

Remarks

The Specification has been amended to provide a cross-reference to the correct US provisional application. Applicants assert that a review of the record, especially the declaration submitted on February 15, 2005, demonstrates that US App. No. 60/414,303 is the correct priority application. A request for a corrected filing receipt under a separate cover letter is forthcoming. Applicants respectfully request entry of this amendment.

Claims 1-12, 17, 18, and 20-23 are currently pending in the instant application. Claims 17, 18, 20, 21, and 23 are withdrawn from consideration, and Claims 9-12 stand allowed. Minor amendments have been made to the form of Claims 2-8. Additionally, Claims 9-12 have been amended to include dependency on claim 1. Claims 1-8 and 22 were rejected in the Office Action dated August 3, 2007. Applicants provide responses to the restrictions and rejections made in the aforementioned Office Action below.

1. Unity Requirement

The Examiner has asserted that the present application contains multiple inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The Examiner submitted the following groups of inventions asserting that they are not so linked as to form a single inventive concept under PCT rule 13.1:

Group I: Claims 1-12 and 22 drawn to compounds and compositions classified in class 544 and several subclasses.

Group II: Claim 17 drawn to a method of use of a compound classified in class 514 and several subclasses.

Group III: Claims 18, 20, and 21 drawn to a method of treating disorders classified in class 514 and several subclasses.

Group IV: Claim 23 drawn to a compound of formula (IV) classified in class 544 and several subclasses.

Applicants affirm the provisional election of Group I made without traverse to prosecute the invention of Group I, and preserve the right to file a divisional on the non-elected subject matter per 35 U.S.C. § 121.

2. Provisional Double Patenting

The Examiner has provisionally rejected Claims 1-8 and 22 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 14-18 and 22 of co-

pending Application No. 10/577,841. Applicants assert that a terminal disclaimer is premature as there are no issued patents. Similarly, a response arguing differences between claims of the instant application and claims of Application No. 10/577,841 is also premature since no claims of Application No. 10/577,841 have been allowed. Applicants respectfully request allowance of Claims 1-8 and 22.

In view of the above arguments and Claims 1-8 as currently amended, and Claim 22 as previously presented, Applicants respectfully request allowance of Claims 1-8 and 22.

Accordingly, applicants respectfully request allowance for pending Claims 1-12 and 22.

Respectfully submitted,

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